

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE APPLICATION
FOR SOUTH DAKOTA MEDICAL
LICENSURE SUBMITTED BY
MARK O. CARLSON, MD

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

WHEREAS, the investigative review panel of the South Dakota Board of Medical and Osteopathic Examiners having performed due diligence with regard to the application of Mark O. Carlson, MD, for licensure, and the South Dakota Board of Medical and Osteopathic Examiners, being fully advised of the premises, hereby makes and enters its:

FINDINGS OF FACT

1. June 13, 2008 - Mark Carlson, MD, hereinafter called Applicant, signed and submitted his initial application for licensure.
2. June 27, 2008 – Verification of Licensure received from the state of Iowa reporting that a Letter of Warning was issued to applicant due to his use of alcohol. Dr. Carlson failed to report this action on his initial application.
3. July 3, 2008 – Letter sent to applicant requesting that he come to the Board office to meet with the Investigative Review Panel.
4. July 17, 2008 – Dr. Carlson met with the investigative review panel to discuss the Letter of Warning from Iowa, his use of alcohol, and his failure to report this on his initial application. At that time, Dr. Carlson informed the panel that the application was completed by staff and he did not review the application closely prior to signing it; therefore, there were omissions which lead to the meeting.
5. July 21, 2008 – Letter and forms sent to applicant requesting that he sign "Authorization for Release of Information Forms" to be used by the Board in their investigation, and that he return them to the Board office.
6. July 31, 2008 – Letter from applicant requesting that he be allowed to withdraw his initial application.
7. October 24, 2008 – Letter from attorneys for Dr. Carlson which is attached hereto and incorporated herein.

CONCLUSIONS OF LAW

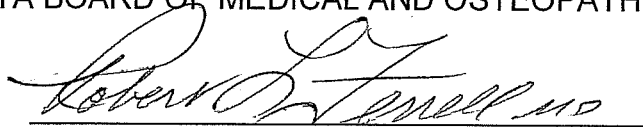
1. The Board has jurisdiction over the application for licensure under the provisions of SDCL Chapter 36-4C.

2. The applicant has the burden of proving that he is competent and that he is of good moral character.
3. The Board has received a request to withdraw the initial application from the applicant.
5. The Board may grant an applicant's request to withdraw an application while under investigation.

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law herein are approved.

Dated this 13 day of November, 2008

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS


Robert L. Ferrell, MD, President

STATE OF SOUTH DAKOTA } S.S.
MINNEHAHA COUNTY }

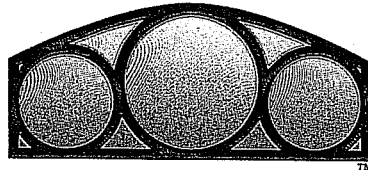
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary

By MBH by JTP

Date 12-1-2008

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October 24, 2008

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED:

Margaret B. Hansen
Executive Director
South Dakota Board of Medical and Osteopathic Examiners
125 S. Main Avenue
Sioux Falls, SD 57104

Re: *Mark O. Carlson, M.D.*

Dear Ms. Hansen:

We are the attorneys for Dr. Mark Carlson, who has referred your letter of October 10, 2008 to us for a response.

After due consideration and notwithstanding the fact that the South Dakota Board of Medical and Osteopathic Examiners (SDBMOE) has indicated that it intends to notify the Federation of State Medical Boards (the Federation) of the voluntary withdrawal of Dr. Carlson's application while under investigation, Dr. Carlson has decided not to pursue his application for a medical license in South Dakota. As Dr. Carlson indicated in his letter dated July 31, 2008, he has actively practiced internal medicine in Sioux City, Iowa for nearly twenty years. Although he briefly considered relocating his practice to the Dakota Dunes, South Dakota area, he ultimately decided that it was in the best interests of his patients and his practice to remain in Sioux City. Therefore, he does not require a South Dakota medical license and has voluntarily withdrawn his license application.

Nevertheless, we feel it is important to briefly address the issues that gave rise to SDBMOE's investigation into Dr. Carlson's application. We respectfully request that this letter be included in Dr. Carlson's application file and that a copy of it be

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provided to the Federation along with whatever report SDBOME files with the Federation. Dr. Carlson has acknowledged that his application for a South Dakota medical license contained two factual errors related to his participation in the Iowa Physician Health Plan and a misdemeanor charge to which he plead guilty during his college years that was ultimately expunged from his record. Dr. Carlson's South Dakota license application form was completed by a clerical staff member at Dr. Carlson's request. Because Dr. Carlson maintained a very busy schedule as an internist in private practice and a hospitalist at St. Luke's Regional Medical Center in Sioux City, the staff member personally brought the completed application form to the hospital in order to secure Dr. Carlson's signature. Dr. Carlson briefly scanned the application form prior to signing it, but he did not review it closely. Dr. Carlson recognizes that his failure to carefully scrutinize the form was a serious mistake, but there was no effort or intent on his part to consciously mislead or misinform SDBOME with respect to his past. He promptly and openly acknowledged his error during his meeting with the SDBOME investigation committee on July 17, 2008 and provided the committee with full details regarding both matters.

It should be noted that Dr. Carlson was unconditionally released from the Iowa Physician Health Program in 2004. No adverse action was taken with respect to his Iowa medical license and he has continued to practice internal medicine without incident. At the time his application for a South Dakota license was filed in June of 2008, Dr. Carlson fully anticipated that SDBOME would have access to any and all records and information related to his qualifications to practice medicine and his medical licenses in Iowa and Nebraska through the Iowa and Nebraska Boards of Medicine, as well as the National Practitioner Data Bank and other resources. Therefore, there was nothing for him to gain by attempting to hide any potentially adverse information.

Dr. Carlson pled guilty to a misdemeanor in connection with a college prank in the late 1970's/early 1980's (he graduated from college in 1981). At the time he entered his plea to the misdemeanor charge, the presiding judge told him if he kept his record "clean" for six months, the charge and subsequent plea would be expunged from his record. Dr. Carlson, therefore, believed that the incident was not a relevant issue. While his assumption was mistaken, it must be stated again that there was no conscious attempt on Dr. Carlson's part to mislead or misinform SDBOME.

Dr. Carlson remains devoted to serving the health care needs of his patients and the citizens of Sioux City and the surrounding area. We trust that this unfortunate

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and inadvertent episode will not impair his ability to continue to provide these much needed services.

Very truly yours,

A handwritten signature in cursive script, reading "Cynthia C. Moser". The signature is written in dark ink and is positioned above the printed name.

CYNTHIA C. MOSER
For the Firm

CCM/bsp

cc: Mark O. Carlson, M.D.

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE INITIAL
APPLICATION FOR A SOUTH
DAKOTA MEDICAL LICENSE
SUBMITTED BY
MARK O. CARLSON, MD

ORDER TO GRANT
WITHDRAWAL OF INITIAL
MEDICAL LICENSE
APPLICATION WHILE UNDER
INVESTIGATION


The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners, and the Board having been informed that an investigation was initiated by H. Adrian Mohr, board investigator, and Margaret Hansen, executive director due to information found in the application; and the applicant subsequently requested that he be allowed to withdraw the initial application for licensure; and the Board being fully advised in the premises and having heretofore made and entered its Findings Of Fact And Conclusions Of Law, and incorporated the explanation from Dr. Carlson in the Findings of Fact and Conclusions of Law, it is therefore ORDERED that the request from Mark O. Carlson, MD, applicant for South Dakota medical license, is granted and Dr. Carlson will be allowed to withdraw while under investigation, and that this ORDER TO ALLOW WITHDRAWAL WHILE UNDER INVESTIGATION is a public document that will be published on the Board website, reported to all entities the Board deems appropriate and necessary, and placed in the investigative file so that if the applicant submits an application for licensure in the future, the investigative file will be reopened and available for any future investigation.

Dated this 13 day of November, 2008

STATE OF SOUTH DAKOTA
MINNEHAHA COUNTY
I hereby certify that the foregoing
instrument is a true and correct copy
of the original as the same appears
on the record in my office.

Executive Secretary

By M.B.H. by JTP
Date 12-1-2008



Robert L. Ferrell, MD, President
SDBMOE